

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVANTS – SOCIAL WELFARE DEPARTMENT – Irregularities committed by Sri K. Kuppu Swamy, Senior Assistant (Retd) and (3) others, Office of the District B.C.Welfare Officer, Chittoor – Regularization of Suspension period from 1-6-1990 to 23-11-1995 as on duty – Orders – Issued.

SOCIAL WELFARE (SER-II) DEPARTMENT

G.O.Rt.No. 374

Dated:19-05-2009.
Read the following:

1. Director of Social Welfare, A.P. Hyderabad Procds. Rc. No. A2/9454/90, dated 27-06-1994.
2. G.O. Ms. No.995, Finance (Pen-I) Department dated 21-12-2002.
3. Hon'ble APAT Orders dated 24-01-2005 in O.A.No. 2456/2003 with M.A. No. 2328/2004, filed by Sri K. Kuppu Swamy.
4. G.O.Rt.No.364, Social Welfare (Ser-II) Dept, dated 05-07-2006.
5. Govt. Memo No. 6849/SW.SER-II(2)/2005-10, dated 05-07-2006.
6. Govt. Memo No. 6849/SW.SER-II(2)/2005-14, dated 15-05-2007.
7. Hon'ble APAT Orders dated 19-08-2008 in O.A.No. 4400/2007 filed by Sri K. Kuppu Swamy.
8. Representation from Sri K. Kuppu Swamy, Retd. Sr. Asst O/o Dy. Director, (SW), dated 07-11-2008.
9. Hon'ble High Court Orders dated 20-11-2008 in W.P.M.P. No. 33303/2008 in W.P. No.25478/2008 filed by Sri K. Kuppu Swamy.
10. Representation Sri K. Kuppu Swamy Retd. Sr. Asst O/o DD, (SW), Chittoor dated 08-12-2008.

ORDER:

As per the orders of the APAT 3rd read above, the disciplinary proceedings initiated against Sri K.Kuppu Swamy, Senior Assistant (Retd) vide proceedings 1st read above have been drooped in the G.O. 4th read above.

2. Instructions have been issued to the Commissioner of Social Welfare, in the Memo 5th read above to recover the amount of Rs. 4.35 lakhs sustained loss to Govt. from the officers involved including Sri K. Kuppu Swamy, the then Superintendent, and an amount of 43.500/- i.e., 10% out of total amount which is apportioned to Sri K. Kuppu Swamy, by deducting the same from his gratuity in accordance with the orders issued in the 2nd read above and to release the other pensionary benefits due to the retired Govt. servant as per rules in force. In the Memo 6th read above, instructions have been issued to the Commissioner of Social Welfare, that the suspension period of Sri K. Kuppu Swamy, Sr. Asst. (Retd) from 1-6-1990 to 23-11-1995 has to be treated as “not duty” under FR 54 (B) (5) or (B) (7) (amended in G.O. Ms. No. 214 Fin. Dept. dated 2-12-1990, since the individual is not exonerated from the charges.

3. Aggrieved with the above instructions Sri K. Kuppu Swamy Supt. (Retd.) has filed O.A. No. 4400/2007 in the APAT to quash the Memo No. 6849/SW.SER-II(2)/2005-10, dated 05-07-2006 and Memo No. 6849/SW.SER-II(2)/2005-14, dated 15-05-2007. The Hon'ble APAT in its orders dated 19-08-2008 have set aside the proceedings of the Govt. issued in Memo No. 6849/SW.SER-II(2)/2005-10, dated 05-07-2006 in which instructions have been issued to the Commissioner of Social Welfare, to recover an amount of Rs. 43,500/- (10% of the loss) stating that the respondents having not completed the disciplinary proceedings, cannot order for recovery from the applicant.

4. The Hon'ble High Court of A.P. in its orders dated 20-11-2008 in W.P. M.P. No. 33303/2008 in W.P. No. 25478/2008 9th read above has passed the following orders:-

“There shall be a direction to the petitioner to make an application to the competent authority, in view of the changed circumstances of the case i.e., in view of the order passed by the Tribunal allowing O.A. No. 4400 of 2007 and dropping of the charges, seeking to treat the period of suspension as “On Duty”, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such an application, the competent authority shall examine and dispose of the same, in accordance with law, within a period of four weeks therefrom.”

5. In his representation 8th and 10th read above, Sri K. Kuppu Swamy has requested the Government to cancel the orders issued in the Memo 5th read above for recovery of Rs. 43,500/- from his retirement gratuity and also to treat his suspension period from 1-6-1990 to 23-11-1995 as “On Duty.”

6. The Government after careful examination of the matter have decided to implement the orders of Hon'ble APAT/Hon'ble High Court of A.P. and hereby order to cancel the orders/instructions issued in Govt. Memo No. 6849/SW.SER-II(2)/2005-10, dated 05-07-2006 and Govt. Memo No. 6849/SW.SER-II(2)/2005-14, dated 15-05-2007 and thereby not to recover the loss sustained to Govt. to and to treat the period of suspension of Sri K. Kuppu Swamy, Sr. Asst. (Retired) from 1-6-1990 to 23-11-1995 as “On Duty.”

7. The Commissioner of Social Welfare is requested to take action accordingly and furnish the compliance report to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Social Welfare, A.P., Hyderabad
The Accountant General (A&E), Andhra Pradesh, Hyderabad
The Deputy Accountant General (Pensions), A.P., Hyderabad
Copy to the GP, APAT (S) Hyderabad.
Copy to the GP for Services High Court AP Hyderabad.
Copy to the Finance (F.R-II) Department.

// FORWARDED: BY ORDER //

SECTION OFFICER